IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 3406 OF 2003

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders.

Shri V.V.Savaji for Shri P.B,Shah for the Petitioner.

Shri R.V.Pavaskar for Mrs.Poonam P.Bhosale for the Respondents Nos.1 to 6.

Shri A.H.Palekar, A.G.P. for Respondent No.8.

CORAM : ABHAY S.OKA, J.

DATED : 16th Oct., 2004.

P.C.:

1. Heard the learned Counsel appearing for the parties.

2. The Petitioner was Sarpanch of Grampanchayat Kacharewadi. On 21st May 2002 a motion of no confidence was passed against the Petitioner with majority of six against one. The said motion came to be challenged by the Petitioner by approaching the Collector under section 35(3)(B) of the Bombay Village Panchayat Act, 1958. The Collector upheld the legality of the motion of no confidence passed against the Petitioner. The Appeal preferred by the Petitioner against the order of Collector before the Divisional Commissioner has been rejected.

3. The learned Counsel appearing for the Petitioner submitted that the motion of no confidence was submitted on 13th May 2002 and the meeting for considering the said motion was requisitioned by the Tahsildar after 7 days from the date of the Motion and on that ground the motion of no confidence was illegal.

4. The Collector has recorded a finding that though the date as mentioned in the notice is 13th May 2002, the motion was actually submitted to the Tahsildar on 15th May 2002 and therefore, the meeting convened on 21st May 2002 was legal. A perusal of the impugned Judgment and order of the Divisional Commissioner shows that this point was not specifically raised before the Appellate Authority.

5. The finding recorded by the Collector is that the motion dated 13th May 2002 was actually submitted on 15th May 2002 and therefore there is obviously no illegality in the meeting convened on 21st May 2002. No case for interference is made out. Petition is rejected with no order as to costs.

Judge.